

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent No.: 5,796,183

Date: August 18, 1998

**RECEIVED**

Application No.: 08/601,268

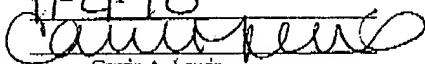
Filing Date: January 31, 1996

**NOV 08 2010**

Title: CAPACITIVE RESPONSIVE ELECTRONIC SWITCHING CIRCUIT

**OFFICE OF PETITIONS**

Docket No.: 16-814

<b>CERTIFICATE OF FACSIMILE</b>	
I hereby certify that this paper is being faxed today to the Maintenance Fee Branch, 2051 Jamieson Ave., Suite 300, VA 22314	
On:	11-4-10
By:	 Carrie A. Lewis

Director of the U.S. Patent and Trademark Office  
Attn: Maintenance Fees  
2051 Jamieson Avenue, Suite 300  
Alexandria, VA 22314  
571-273-6500

11/05/2010 DALLEN 00000020 5796183

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3385.00 OP

**NOTIFICATION UNDER 37 CFR 1.27(g) OF ERROR IN PAYMENT OF SMALL ENTITY FEE  
FOR U.S. PAT. NO. 5,796,183**

Dear Sir or Madam:

U.S. Patent No. 5,796,183 (hereinafter "the '183 patent") issued on August 18, 1998.

The assignee of record of the '183 patent is UUSI, LLC. (hereinafter "UUSI").

At the time the '183 patent was filed and through the time of issuance of the '183 patent, Nartron Corporation, a predecessor in interest to UUSI was a small entity, as the total number of employees, including all affiliates, subsidiaries and related companies under the control of Nartron was less than 500 employees. Thus, small entity status was claimed upon filing of the application that matured into the '183 patent and all Patent Office fees associated with the prosecution of the '183 patent were properly paid under small entity status.

As explained on the accompanying Verified Statement under 37 CFR 1.28(c), due to licensing of the '183 patent to an entity not entitled to small entity status under 37 CFR 1.27 the

second (8<sup>th</sup> year) and third (12<sup>th</sup> year) maintenance fees were erroneously paid as a small entity and should have been paid as a large entity.

The total deficiency of \$3385.00 (enclosed herewith) represents the amount of fees due to the erroneous payment. As show on the accompanying Verified Statement, this deficiency represents the 8 year maintenance fee under the now current fee schedule as a large entity, namely, \$2480.00, less the amount actually paid as a small entity, namely, \$1150.00, in addition to the amount for a 12 year maintenance fee under the now current fee schedule as a large entity, namely, \$4110, less the amount actually paid as a small entity, namely, \$2055. Accordingly, authorization to charge a credit card in the amount of \$3385 is enclosed herewith. Please charge any additional fees or credit any overpayments to deposit account number 20-0090.

If any fees additional fees are determined to be due in connection with filing this document or any other document required to be filed during the remaining term of the '183 patent, the Commissioner is authorized to charge those fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this document or any document filed during the remaining term of the '183 patent, such petition for extension of time is hereby made and is respectfully requested.

Respectfully submitted,

Date: Nov 4, 2010



Stephen J. Schultz  
Reg. No. 29,108  
Tarolli, Sundheim, Covell &  
Tummino LLP  
1300 East Ninth Street  
Suite 1700  
Cleveland, OH 44114  
(216) 621-2234  
(216) 621-4072 Fax  
sschultz@tarolli.com

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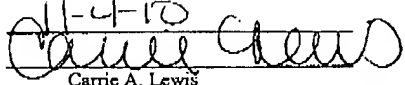
Filing Date: January 31, 1996

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Title: Capacitive Responsive Electronic Switching Circuit

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**VERIFIED STATEMENT UNDER 1.28(c) EXPLAINING ERROR IN PAYMENT  
OF MAINTENANCE FEE UNDER SMALL ENTITY STATUS  
FOR U.S. PAT. NO. 5,796,183**

Dear Sir or Madam:

This Verified Statement is made by a person having personal knowledge to explain how the error in payment occurred and when it was discovered in connection with the accompanying NOTIFICATION UNDER 37 CFR 1.27(g) OF ERROR IN PAYMENT OF SMALL ENTITY FEE FOR U.S. PAT. NO. 5,796,183, (hereinafter "the '183 patent").

Stephen J. Schultz, an attorney licensed to practice law in the state of Ohio and further licensed to practice before the United States Patent and Trademark Office (Reg. No. 29108) states that:

1. Application Serial No. 08/601,268 which matured into the '183 patent, was filed on January 31, 1996 and issued on April 18, 1998. The assignee of record of the '183 patent is UUSI, LLC as indicated in the records of the United States Patent and Trademark Office (herein, USPTO) at reel 023679 and frame 0803 based on an assignment from Nartron Corporation to UUSI, LLC dated December 17, 2009 that was recorded on December 22, 2009.

2. Upon information and belief, at all times discussed herein the total number of employees of Nartron Corporation, including all affiliates, subsidiaries and related companies under the control of Nartron Corporation was less than 500 employees and therefore, absent other facts, Nartron Corporation was entitled to payment of any fees in the USPTO for prosecution, issuance and maintenance as a small entity.

3. Upon information and belief, from December 17, 2009 to the present the total number of employees of UUSI, LLC, including all affiliates, subsidiaries and related companies under the control of UUSI, LLC was less than 500 employees and therefore, absent other facts, UUSI, LLC was entitled to payment of any fees in the USPTO for maintenance as a small entity.

4. Upon information and belief, the law firm of Price, Heneveld, Cooper et al, P.O. Box 2567, Grand Rapids, MI 4901, (herein Price, Heneveld) represented Nartron in matters before the USPTO regarding the '183 patent up to and including payment of the first (4th year) maintenance fee.

5. Upon information and belief, the first maintenance fee was paid on or about November 2, 2001 as a large entity and upon information and belief Nartron Corporation informed the USPTO that it no longer claimed small entity status in regard with the '183 patent.

6. Subsequent to the payment of the first maintenance fee the patent file maintained by the Price, Heneveld firm was transferred to me at my then current employer, Watts, Hoffmann Co. LPA along with a pending corresponding German patent application and upon information and belief, I helped Nartron Prosecute the German patent application to issuance.

7. In early February 2006, I corresponded with Mr Norman Rautiola at Nartron to inquire whether or not I should pay the second (8<sup>th</sup> year) maintenance fee and if so, should it be paid as a large or small entity.

8. In response to my inquiry, I was instructed by Mr Rautiola to pay the fee as a small entity and accordingly a claim for small entity status was mailed to the USPTO along with payment of the second maintenance fee as a small entity

in the amount of \$1,150.00. This payment is acknowledged in the records of the USPTO as being paid on or about February 21, 2006.

9. My present employer, the law firm of Tarolli, Sundheim, Covell & Tummino LLP, utilizes Computer Patent Annuity Services, Inc. of Rockville, Maryland (hereinafter "CPI") for payment of certain fees and annuities, including U.S. patent maintenance fees.

10. In February, 2010 a third maintenance fee in the amount of \$2055.00 was paid by CPI under small entity status. This payment is acknowledged in the records of the USPTO as being paid on or about February 18<sup>th</sup>, 2010.

11. On October 29, 2010 I was informed by Mr Robert Tuttle of the firm of Brooks & Kushman, 1000 Town Center, Twenty-Second Floor, Southfield, MI, 48075, that as early as January 2005, the '183 patent had been licensed by Nartron Corporation in a confidential litigation settlement agreement to an entity that qualifies as a large entity under 37 CFR 1.27 and that therefore the second (8<sup>th</sup> year) maintenance fee should have been paid as a large entity on behalf of Nartron and that the third (12<sup>th</sup> year) maintenance fee should have been paid as a large entity on behalf of UUSI, LLC. Upon information and belief, when instructing me to pay the second maintenance fee as a small entity, Mr Rautiola

was not mindful of either a) the existence of the license or b) the effect this litigation settlement had on Nartron's status as a small entity for the '183 patent.

12. The following is an itemization of the payment made and the deficiency owed for the '183 patent according to the now current USPTO fee schedule (37 CFR 1.20(f & g)), resulting from the change to large entity status:

<u>Date</u>	<u>Description</u>	<u>Paid</u>	<u>Actually Owed</u>
February 21, 2006	8th Yr Maintenance Fee	\$1150	\$2480
February 18, 2010	12 <sup>th</sup> Yr Maintenance Fee	\$2055	\$4110

Total deficiency owed: \$ 3385.

13. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent and was inadvertent.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the '183 patent.

Date: Nov 4, 2010



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Reg. No. 29,108  
Tarolli, Sundheim, Covell &  
Tummino LLP  
1300 East Ninth Street  
Suite 1700  
Cleveland, OH 44114  
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